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REMARKS

Responsive to the Office Action mailed April 11, 2005, Applicants provide the following. Claim 8 has been amended to correct a typographical error. Twenty (20) claims remain pending in the application: Claims 1-20. Reconsideration of claims 1-20 in view of the amendments above and remarks below is respectfully requested.

By way of this amendment, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Objection to the Declaration

1.   The Examiner has objected to the Declaration filed in the subject application as one of the inventors corrected his Citizenship without initialing the change on the Declaration. Applicants submit herewith a newly executed Declaration without handwritten alterations. The newly executed Declaration has only been signed by the inventor Masahiko Seki who made the change to his Citizenship. MPEP Section 602.02 states "Where neither the original oath or declaration, nor the substitute oath or declaration is complete in itself, but each oath or declaration names all of the inventors and the two taken together give all the required data, no further oath or declaration is needed." Applicants submit that the newly executed Declaration taken together with the previously filed Declaration give all the required data and no further oath or declaration is needed. Therefore, the Declaration is in compliance with 37 CFR 1.67(a), and thus, Applicants respectfully request the objection be withdrawn.

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Information Disclosure Statement

2.   Applicants request that the Examiner consider the references provided in the electronic IDS filed July 6, 2005 (EFS ID: 87634) and provide Applicants with an initialed copy indicating that the references were considered.

Claim Objections

3.   The Examiner has objected to claim 8 indicating that the word "communication" should be changed to "communicating". Applicants have amended claim 8 to correct the typographical error. Therefore, Applicants respectfully request the objection be withdrawn.

Claim Rejections - 35 U.S.C. §102

4.   Claims 1 & 16 stand rejected under 35 U.S.C. § 102(a), as being anticipated by U.S. Patent No. 5,903,626 (Inglehart et al.). Applicants respectfully submit that claim 1, for example, is not anticipated by the Inglehart reference. Claim 1 recites, in part, "receiving a plurality of scripts for diagnosing the electronic device communicated over a distributed network". Inglehart does not teach and alternatively teaches away from claim 1. Inglehart does not teach at least the receipt of test scripts over the distributed network. Instead, the Inglehart reference describes the digital feature phone that employs a built-in diagnostic program that is already contained on the phone at deployment of the phone such that these built-in programs can be remotely activated across the network (Inglehart, fig 1, reference no. 14). The digital feature phone only receives a "signal transmitted from the [user-to-user information] program" to initiate the execution of diagnostic routines. (Inglehart, col. 5, lines 12-39; see also at least fig. 2, reference no. 52) The diagnostic program and the diagnostic scripts are thus not communicated to the digital feature phone across the distributed network as recited in claim 1. Therefore, the Inglehart reference teaches away from the

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receipt of a plurality of scripts for diagnosing the electronic device communicated over a distributed network, because the diagnostic program is already in the digital feature phones.

Claim 1 also provides, in part, for identifying the electronic device. Inglehart teaches that "[a] service technician preparing to service a particular phone ... control[s] a user-to-user information (UUI) program to specify the particular phone to be called and the troubleshooting procedures to be executed." (Inglehart et al. col. 2, lines 66-67; col. 3, lines 1-4) Inglehart does not teach or suggest identifying the electronic device. Instead, the particular phones to be serviced are known by the service technician at the time of the diagnostic request and thus do not need to be identified.

Independent claim 16 similarly recites "means for receiving a plurality of scripts for diagnosing the electronic device communicated over a distributed network." As demonstrated above, the Inglehart reference does not teach receiving scripts over the network and thus does not teach a means for receiving a plurality of scripts over the network. Therefore, claim 16 is also not anticipated by Inglehart for at least the reasons provided above with respect to claim 1.

Claim Rejections - 35 U.S.C. §103

5.   Claims 2-4, 6, 17, 18 and 20 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,903,626 (Inglehart et al.) in view of U.S. Patent No. 5,964,891 (Caswell et al.).   It was demonstrated above that the Inglehart reference failed to teach each element of claims 1 and 16. The Caswell reference also fails to teach at least the "receiving a plurality of scripts for diagnosing the electronic device communicated over a distributed network" as recited in claim 1 or a means for receiving a plurality of scripts for diagnosing over a distributed network as recited in

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claim 16. Therefore claims 1 and 16 are not obvious in light of the combined references, and thus, the dependent claims 2-4, 6, 17, 18 and 20 which depend from claims 1 and 16 are also not obvious in light of the combined references for at least the reasons provided.

Further with regard to claims 4 and 20, for example, Applicants respectfully submit that the combination of the Inglehart and the Caswell references does not teach and alternatively teaches away from "remotely receiving a diagnostic controller over the distributed network prior to the identifying the electronic device." The Inglehart reference discloses a "diagnostic device [that] transmits signals to the digital feature phone which activate the [built-in diagnostic] program and specify particular troubleshooting functions for the program to perform." (Inglehart, col. 2, lines 9-12). The diagnostic controller is not received across the network. The diagnostic device (Inglehart, fig 1, reference no. 10) signals the diagnostic program on the digital feature phone but the controller is never transmitted across the distributed network. Caswell discloses a system where the diagnostic server (i.e. the diagnostic controller) is resident on an independently administered internet service system. (Caswell, fig. 2, reference no. 130). The diagnostic servers described in Caswell locally launch tests or test routines within the respective control domain and forward diagnostic requests on to other diagnostic servers located on other internet service systems. The Caswell reference, however, fails to teach or suggest remotely receiving a diagnostic controller over the distributed network. Because both the Inglehart and Caswell references disclose diagnostic controllers that are already resident and are not received over the distributed network, the applied references fail to teach each element of at least claims 4 and 20, and thus, claims 4 and 20 are not obvious in view of the combined references.

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Still further, claims 3 and 18 are also not obvious in light of the combined Inglehart and Caswell references. Applicants respectfully submit that the combination of Inglehart and Caswell et al. does not teach "decrypting at least a portion of the plurality of scripts prior to initiating the first diagnostic instruction". In paragraph 6, page 6 of the Office Action, the Examiner suggests that Caswell teaches "the decryption in the decoding of a diagnostic request by a diagnostic server." Applicants respectfully submit, however, that Caswell does not teach the decryption of a script or scripts. Instead Caswell teaches the encoding of diagnostic request information into a request form (Caswell, col. 11, lines 23-25) and the subsequent decoding of the request form by the receiving diagnostic server. A diagnostic request, according to Caswell, contains only diagnostic request information and not diagnostic test scripts. Therefore, diagnostic scripts are neither transmitted nor decrypted as part of a diagnostic request received by a diagnostic server. The applied references fail to make obvious claims 3 and 18, because the combined references do not teach at least the decrypting of at least a portion of the plurality of the scripts prior to initiating the first diagnostic instruction.

Additionally, with respect to claims 2 and 17, the combined Inglehart and Caswell references do not teach "receiving the plurality of the scripts includes receiving at least one web page having the plurality of the scripts" or a "means for receiving the plurality of scripts includes means for receiving at least one web page having the plurality of the scripts." As discussed above with respect to claims 3 & 18, the Caswell reference discloses a diagnostic web page whereupon the user may request a set of diagnostics to be performed. Caswell describes a diagnostic terminal that allows a user or operator to generate a diagnostic request and send the diagnostic request to a diagnostic server. The diagnostic request includes information about the subscriber, information about the problem that the subscriber is experiencing, and information regarding which tests (i.e. which test scripts to execute) the subscriber is requesting be performed. The diagnostic web page only includes requests for test scripts, and does

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not include test scripts. Therefore, the applied references fail to make obvious claims 2 and 17, because the combined references do not teach at least the receipt of at least one web page having the plurality of the scripts.

6.   Claim 5 stands rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,903,626 (Inglehart et al.) in view of U.S. Publication No. 2001/0011375 (Yun et al.). It was demonstrated above that the Inglehart reference failed to teach each element of claim 1. The Yun reference also fails to teach at least the "receiving a plurality of scripts for diagnosing the electronic device communicated over a distributed network" as recited in claim 1. Therefore claim 1 is not obvious in light of the combined references, and thus, the dependent claims 5, which depends from claim 1, is also not obvious in light of the combined references for at least the reasons provided above.

7.   Claims 7 and 9-11 stands rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,903,626 (Inglehart et al.) in view of U.S. Patent No. 6,826,512 (Dara-Abrams et al.). Applicants respectfully submit that one skilled in the art would not combine the Dara-Abrams reference with the Inglehart reference to obtain the method of claims 7 and 9-11 because there is no motivation to combine the references. More specifically as demonstrated above, the Inglehart reference fails to teach or suggest identifying the electronic device because the electronic device is already known by the service technician. Therefore, one skilled in the art would not combine the Dara-Abrams reference with the Inglehart reference to provide for at least the "receiving from over the distributed network the identification of the electronic device" as recited in claim 7 because there is no motivation for receiving the identification of the electronic device from over the distributed network with respect to Inglehart because the service technician of Inglehart already knows the identification of

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the electronic device. Therefore, one skilled in the art would not be motivated to combine the Dara-Abrams reference with the Inglehart reference and thus at least claim 7 is not obvious over the applied references.

Claims 9-11 depend from claim 7. Therefore, claims 9-11 are also not obvious over the applied references for at least their dependency on claim 7.

8.   Claim 8 stands rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,903,626 (Inglehart et al.) in view of U.S. Patent No. 6,826,512 (Dara-Abrams et al.), and U.S. Patent No. 5,964,891 (Caswell et al.). In regard to claim 8, Applicants respectfully submit that the combination of Inglehart, Dara-Abrams, and Caswell fails to teach or suggest at least "incorporating the plurality of diagnostic scripts into the web page and the communicating of the plurality of the scripts includes communicating the web page over the distributed network." The Caswell reference fails to teach or suggest incorporating "scripts into the web page" as recited in claim 8. In paragraph 6, page 6 of the Office Action, the Examiner suggests that Caswell describes a user selecting appropriate device information results in the receipt of test selections or routines on a diagnostic request web page. However, the diagnostic web page specifically includes <u>requests</u> for test scripts. Therefore, the test scripts are clearly not included in the web page, because the diagnostic web page is requesting scripts. The applied references fail to make obvious claim 8, at least because the diagnostic web page described in Caswell only includes requests for scripts and does not include scripts.

The Inglehart and Dara-Abrams references also fail to teach or suggest at least incorporating the plurality of diagnostic scripts into the web page as recited in claim 8. Therefore, the combination of references fails to teach or make the method of claim 8 obvious.

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9.   Claims 12-15 stand rejected under 35 U.S.C. § 103(a), as being
unpatentable over U.S. Patent No. 5,903,626 (Inglehart et al.) in view of U.S. Patent No.
5,964,891 (Caswell et al.). Claim 12 recites, in part, "a script generator coupled with a
distributed network, wherein the script generator is configured to compile at least one
script and forward that at least one script over the distributed network" (emphasis
added).   In paragraph 10, page 13 of the Office Action, the Examiner suggests that
Caswell teaches a script generator in the disclosure of a diagnostic terminal configured
to send web page-based diagnostic requests to a diagnostic server.   Applicants
respectfully submit that Caswell does not teach and alternatively teaches away from a
script generator configured to compile at least one script and forward at least one script
over the distributed network.   The diagnostic web page taught in Caswell forwards
diagnostic requests, not scripts, to the diagnostic web server. Therefore, the Caswell
reference does not teach forwarding diagnostic scripts over the distributed network.

Claim 12 also recites, in part, "a remote diagnostic controller coupled with
the distributed network and with an electronic device to be diagnosed, wherein the
diagnostic controller is configured to receive at least one script".   In paragraph 10,
page 14 of the Office Action, the Examiner suggests that Inglehart teaches the sending
of a script within the diagnostic request sent to the diagnostic server for processing.
Applicants respectfully submit that Inglehart does not teach and alternatively teaches
away from the inclusion of the diagnostic script within the diagnostic request.
Inglehart teaches a diagnostic program, already located on digital feature phones, that
receives a signal to initiate built-in diagnostic tests.   Additionally, Caswell teaches
away from the diagnostic controller being configured to receive at least one script. The
diagnostic server described by Caswell receives requests to execute a particular test
script and not the actual test scripts to be executed.   Neither the Inglehart reference nor
the Caswell reference teach the receipt of test scripts by the diagnostic controller via the
distributed network. Therefore, claim 12 is not obvious in view of the combined

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references.

Claims 13-15 depend upon claim 12. The combined Inglehart and Caswell references fail to teach claim 12, therefore the dependent claims 13-15 are not obvious in light of the combined references.

Further, with regard to claim 15, the combined Inglehart and Caswell references fail to teach a "script generator ... configured to incorporate the at least one script within a web page, and the web page is forwarded over the distributed network". In paragraph 10, page 13 of the Office Action, the Examiner suggests that the Caswell reference discloses a web page in fig. 10 that includes a number of scripts in the form of Test Selections (fig 10, reference no. 413). Applicants respectfully submit that Caswell does not teach the incorporation of at least one script within a web page by a script generator. As discussed with regard to claim 8, the diagnostic web pages of Caswell contain only <u>requests</u> to execute selected test scripts and not test scripts. Furthermore, as discussed with regard to claim 12, the Caswell reference does not teach and alternatively teaches away from a script generator configured to compile at least one script and forward at least one script over the distributed network. The applied references fail to make obvious claim 15, because the combined references fail to teach a script generator and that the script generator is configured to incorporate <u>at least one script within a web page</u> and the web page is forwarded over the distributed network.

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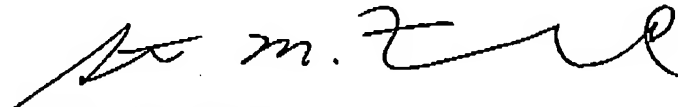
CONCLUSION

Applicants submit that the above amendments and remarks place the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

Respectfully submitted,

Dated: July 28, 2005

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